CONFERENCE OF THE EIGHTEEN-NATION COMMITTEE ON DISARMAMENT

ENDC/242
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ORIGINAL: ENGLISH

SWEDEN

Working Paper with suggestions as to possible provisions of a Treaty Banning Underground Nuclear Weapon Tests.

The States concluding this Treaty, hereinafter referred to as the "Parties to the Treaty",

Declaring their intention to achieve at the earliest possible date the cessation of the nuclear arms race and to undertake effective measures in the direction of nuclear disarmament,

Urging the co-operation of all States in the attainment of this objective,

Recalling the determination expressed by the Parties to the 1963 Treaty banning nuclear weapon tests in the atmosphere, in outer space and under water in its preamble to seek to achieve the discontinuance of all test explosions of nuclear weapons for all time and to continue negotiations to this end,

Convinced that a continued testing of nuclear weapons brings about unforeseeable consequences in regard to imbalance and mistrust between States and causes immense diversion of human and material resources for purposes of war,

Heeding the appeals of the General Assembly of the United Nations for the suspension of nuclear weapon tests in all environments,

Affirming the principle that the benefits of peaceful applications of nuclear technology, including any technological by-products which may be derived by nuclear-weapon States from the development of nuclear explosive devices, should be available for peaceful purposes to all Parties to the Treaty, whether nuclear-weapon or non-nuclear-weapon States,

Affirming also the principle that resources, freed by measures of arms control and disarmament, should be channeled, to the greatest extent possible, to social and economic development, particularly of developing countries,

Declaring their intention to conclude, at the earliest possible date, a separate international agreement regarding nuclear explosions for peaceful purposes,

Have agreed as follows:

Article I

1. Each State Party to this Treaty undertakes to prohibit, to prevent and not to carry out any underground nuclear weapon test explosion, or, subject to the exemption embodied in paragraph 3, any other underground nuclear explosion, at any place under its jurisdiction or control.

2. Each State Party to this Treaty undertakes, furthermore, to refrain from causing, encouraging or in any way participating in, the carrying out of any such nuclear weapon tests explosion, or any such other nuclear explosion.

3. The provisions of paragraphs 1 and 2 of this Article do not apply to explosions which are carried out for construction or other peaceful purposes and which take place in conformity with an international agreement to be negotiated separately.

Article II

1. Each State Party to this Treaty undertakes to co-operate in good faith to ensure the full observance and implementation of this Treaty.

2. Each State Party to this Treaty undertakes to co-operate in good faith in an effective international exchange of seismological data in order to facilitate the detection, identification and location of underground events,

3. Each State Party to this Treaty undertakes to co-operate in good faith for the clarification of all events pertaining to the subject matter of this Treaty. In accordance with this provision, each State Party to the Treaty is entitled

a) to make inquiries and to receive information as a result of such inquiries,

b) to invite inspection on its territory or territory under its jurisdiction, such inspection to be carried out in the manner prescribed by the inviting Party,

c) to make proposals, if it deems the information available or made available to it under all or any of the preceding provisions inadequate, as to suitable methods of clarification.

4. Each State Party to this Treaty may bring to the attention of the Security Council of the United Nations and of the other Parties to the Treaty that it deems another Party to have failed to co-operate to the fullest extent for the clarification of a particular event.

Article III

1. Any Party to this Treaty may propose amendments to this Treaty. The text of any proposed amendment shall be submitted to the Depositary Governments which shall circulate it to all Parties to the Treaty. Thereupon, if requested to do so by one-third or more of the Parties to the Treaty, the Depositary Governments shall convene a conference, to which they shall invite all the Parties to the Treaty, to consider such an amendment.

2. Any amendment to this Treaty must be approved by a majority of the votes of all the Parties to the Treaty, including the votes of all nuclear-weapon States Party to this Treaty. The amendment shall enter into force for each Party that deposits its instrument of ratification of the amendment upon the deposit of instruments of ratification by a majority of all the Parties, including the instruments of ratification of all nuclear-weapon States Party to this Treaty. Thereafter, it shall enter into force for any other Party upon the deposit of its instrument of ratification of the amendment.

Article IV

1. This Treaty shall be open to all States for signature. Any State which does not sign the Treaty before its entry into force in accordance with paragraph 3 of this Article may accede to it at any time.

2. This Treaty shall be subject to ratification by signatory States. Instruments of ratification and instruments of accession shall be deposited with the Governments of ..... which are hereby designated the Depositary Governments.

3. This Treaty shall enter into force after its ratification by the States, the Governments of which are designated Depositaries of the Treaty, and ..... other States signatory to this Treaty and the deposit of their instruments of ratification.

4. For States whose instruments of ratification or accession are deposited subsequent to the entry into force of this Treaty, it shall enter into force on the date of the deposit of their instruments of ratification or accession.

5. The Depositary Governments shall promptly inform all signatory and acceding States of the date of each signature, the date of deposit of each instrument of ratification or of accession, the date of the entry into force of this Treaty, and the date of receipt of any requests for convening a conference or other notices.

6. This Treaty shall be registered by the Depositary Governments pursuant to Article 102 of the Charter of the United Nations.

Article V

This Treaty shall be of unlimited duration. Each Party shall in exercising its national sovereignty have the right to withdraw from the Treaty, if it decides that extraordinary events, related to the subject matter of this Treaty, have jeopardized the supreme interests of its country. It shall give notice of such withdrawal to all other Parties to the Treaty and to the United Nations Security Council three months in advance. Such notice shall include a statement of the extraordinary events it regards as having jeopardized its supreme interests.

Article VI

This Treaty, the English, Russian, French, Spanish and Chinese texts of which are equally authentic, shall be deposited in the archives of the Depositary Governments. Duly certified copies of this Treaty shall be transmitted by the Depositary Governments to the Governments of the signatory and acceding States.

In witness whereof the undersigned, duly authorized, have signed this Treaty.

Done in_____at_____this_____day of_____